



August 26, 2013

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: GN Docket No. 13-114, RM 11640; Expanding Access to Broadband and Encouraging Innovation through Establishment of an Air- Ground Mobile Broadband Secondary Service for Passengers Aboard Aircraft in the 14.0-14.5 GHz Band

Dear Ms. Dortch:

The Information Technology Industry Council (ITI) represents fifty two of the nation's leading information and communications technology companies, including computer hardware and software, Internet services, mobile devices, and wireline and wireless networking companies.¹ ITI is the voice of the high tech community, advocating policies that advance U.S. leadership in technology and innovation, open access to new and emerging markets, support e-commerce expansion, and enhance domestic and global competition.

ITI's members are a driving force behind the innovation, investment, and explosive growth that has taken place in the broadband ecosystem over the past decade. ITI supports forward-looking policies that promote consumer and business adoption of next generation technologies and products, and believes it is important for the Federal Communications Commission (FCC) to look for opportunities facilitate greater use of broadband services, devices, and applications. It is for that reason that ITI supports the FCC's proposal to establish the Air-Ground Mobile Broadband Service operating on a secondary basis at 14.0 to 14.5 GHz. The proposal is based upon the Petition for Rulemaking that Qualcomm filed,² in July 2011 and the subsequent record that the FCC built in response to the Petition. It is particularly important at this juncture to establish a new in-flight mobile broadband service because it will help satisfy air travelers' increasing need for mobile Internet connectivity while on-board commercial aircraft via enabling connection speeds and additional competition.

¹ A list of ITI's member companies can be found on our website:

<http://www.itic.org/about/member-companies.dot>

² See Qualcomm, Incorporated, *Petition for Rulemaking*, Amendment of the Commission's Rules to Establish a Next-Generation Air-Ground Communications Service on a Secondary Licensed Basis in the 14.0 to 14.5 GHz band, RM-11640 (Pub Notice Aug. 30, 2011).



American air travelers need to have in-flight broadband access that is equal to the level of access they have on the ground because such access via smartphones, tablets, e-readers, and laptops, is becoming an increasingly important part of their daily lives. As a result, U.S. air travelers expect – and many even require – anywhere/anytime broadband access, including when they are flying on an airplane. Mobile broadband usage is increasing by leaps and bounds, and consumers are continuing to embrace the advanced capabilities and applications supported by today’s mobile devices; at the same time, the spectrum available to provide this connectivity however is in short supply.³ Accordingly, ITI is pleased that the FCC has moved forward to propose to establish this new air-ground broadband service on-board aircraft.

Comments in response to the petition thus far suggest that the next generation Air-Ground Mobile Broadband Service at 14.0 to 14.5 GHz could successfully co-exist with existing satellite operations in the band through robust system design and use of innovative ground-based network and equipment designs to manage access to the spectrum.

Moreover, moving forward to establish the proposed service would advance several of the FCC’s key policy initiatives:

- Successful spectrum sharing – The NPRM explains how the proposed air-ground mobile broadband spectrum can be shared with incumbent operations without causing interference; authorizing the new service on a secondary basis as proposed will enable far more efficient use of currently underutilized spectrum.
- In-flight broadband connectivity – The FCC proposal meets the agency’s objective to enable increased support of mobile broadband devices on-board aircraft; Chairman Genachowski formally asked the FAA Administrator to work towards allowing greater use of electronic devices on planes.⁴
- In-flight broadband service competition – The FCC recently adopted rules for satellite-based aircraft communications systems in the 14 GHz band. The terrestrial-based air-ground system proposed in the NPRM would cost less than a satellite-based system and deliver superior performance while aircraft are in the serviceable area, with less latency.⁵

The FCC should move quickly on its proposals in the NPRM that treat this proposal with regulatory parity as compared to satellite-based systems and let the

³ See Comments of GOGO INC. filed in RM-11640 (September 29, 2011).

⁴ See Letter from then FCC Chairman Julius Genachowski to the Honorable Michael P. Huerta, Acting Administrator, Federal Aviation Administration (Dec. 6, 2012).

⁵ See Qualcomm, *Petition for Rulemaking*, (Pub Notice Aug. 30, 2011).



free market decide which system or systems will succeed.⁶ Additionally, ITI supports the FCC continuing to consider other expanded uses of spectrum sharing to provide terrestrial-based communications services that further maximize efficient use of the spectrum without interfering with existing users.

ITI is hopeful that the detailed record that the FCC developed over the past two years in response to the Qualcomm Petition for Rulemaking will allow the agency to rapidly approve this much-needed service. For these reasons, ITI strongly encourages the FCC to promptly act on the new Air-Ground Mobile Broadband Service at 14.0 to 14.5 GHz in accordance with the well-defined proposals set forth in the Notice of Proposed Rulemaking.

Respectfully Submitted,

/s/ Vince Jesaitis

Vince Jesaitis
Director, Government Relations
Information Technology Industry Council
1101 K Street, NW Suite 610
Washington, DC 20005
(202) 737-8888

⁶ NPRM, paragraph 54.